

CITY OF BELMONT

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, AUGUST 5, 2008, 7:00 PM

Chair Parsons called the meeting to order at 7:01 p.m. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Parsons, Horton, Mercer, Mayer, McKenzie, Reed

Commissioners Absent: Frautschi

Staff Present: Community Development Director de Melo (CDD), Associate Planner Gill (AP), City Attorney Zafferano (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS – None

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. Minutes of July 1, 2008

RS Flores stated that the Minutes reflect three additions received from Commissioners Frautschi and Mercer. Vice Chair Horton asked that on page 6, under her comments regarding item 5C, the end of the last sentence of the first bullet point be changed to read "...certain narrow lot widths."

MOTION: By Commissioner McKenzie, seconded by Commissioner Reed, to accept the Minutes of July 1, 2008, as amended.

Ayes: McKenzie, Reed, Mercer, Mayer, Horton, Parsons

Noes: None

Absent: Frautschi

Motion passed 6/0/1

5. PUBLIC HEARINGS

5A. PUBLIC HEARING – 784 Miramar Terrace

To consider a Floor Area Exception and Single Family Design Review to expand the existing 3,140 square foot single family residence to 3,863 square feet (3,500 sq. ft. maximum building size permitted for this site). (Appl. No. 2008-0029) APN: 044-211-010; Zoned: R-1A (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301

Applicants/Owners: Wilson Chan and Winnie Wong

AP Gill summarized the Staff Report, recommending approval subject to the attached Resolution and Conditions of Approval.

AP Gill confirmed for Vice Chair Horton that a setback Variance was granted for construction of the media room and office, and that the garage is increasing to 20 x 20 by removal of the work room. Nothing on the outside is changing other than the higher pitched roof to accommodate new garage doors and parking of a car.

Commissioner Mayer asked what kinds of criteria are applied with regard to adversely affecting views of adjacent property. AP Gill responded that there are two sets of findings relative to views: The Floor Area Exception finding is concerned with privacy views and the Single-Family Design Review is concerned mostly with public views. CDD de Melo added that the public view loss is loss of view as seen when walking or driving along a public right of way. In past practice related to Floor Area Exceptions, the Commission has looked at a view that is considered protected as a view of a significant ridgeline or of a bay, not necessarily the view of a sky or a stand of trees. The Commission will need to consider if the proposed project minimizes the disruption of the private view. One would rationalize that if a view of the bay or a view of a significant ridge line has been significantly compromised or obliterated, that would be an adverse impact on views, and that logic, because it is used for the public view finding for design review could also apply for the Floor Area Exception.

Winnie Wong, co-owner of the property, spoke to the Commission about why she and her husband chose to live in Belmont, why they are going to knock down the house and rebuild, and why they chose the style that they are building. She added that they have been working with the neighbor to try to arrive at a compromise and have offered them a 1'3" decrease in the height of the house, and that, for safety, water and energy-efficient, reasons they plan to fill in the pool. Responding to Chair Parsons' question, Ms. Wong stated that they would reduce the height of the house by lowering the pitch of the roof but keeping the 12' ceilings. She added that if necessary they would be willing to reduce the amount of glass to meet Title 24 requirements.

Commissioner Mercer asked if they looked at the option of lowering the roof by using a vaulted ceiling. Ms. Wong replied that they had not because one of their key visions for their house is the high ceilings.

Chair Parsons opened the Public Hearing.

Lucy del Cardayré, Belmont resident, relinquished her allotted speaking time to her husband, Stephen del Cardayré. Mr. del Cardayré stated that the proposed expansion of the home is beautiful, but felt that the 40% height is inconsistent with the existing development in the area. The roof significantly blocks their view of the ridgeline from their kitchen, living room and bedroom, which was recently remodeled to take advantage of the view. The plan is actually a 6' increase over the original house. A flat roof would be consistent with the two neighbors to the north and would not block their view of the ridgeline, and taking off one foot or 4,000 square feet would equal two bedrooms of heating capacity. They would love to see it brought down to the fence line or a little bit lower and defer to the Commission to what is reasonable and what is really consistent with the neighborhood.

Dee Leno, Belmont resident, spoke in favor of the project, believing that it will add to the value of her property and the neighborhood. Her only concern is the construction, adding that the applicant has stated that they will take care of any damage to the front of the property.

Tom Diridon, Belmont resident, was amazed they are not talking about a two-story house, and felt that the applicant has made some extraordinary sacrifices to make this house fit into the landscaping and the general flavor of the area and to maximize the use of the lot in an effort to make everybody happy. He thinks it would be a shame to have to change the whole integrity of what their vision was for this home on this particular piece of property.

Commissioner Mayer asked Mr. del Cardayré why their fence is so high if they wanted to maximize their view. He responded that it was built with their former neighbor for privacy purposes for both residences.

Discussion ensued regarding photos taken by both the applicant and the del Cardayrés in an attempt to depict the impact the project would have on the latter's view.

MOTION: By Commissioner Mercer, seconded by Commissioner Mayer, to close the Public Hearing. Motion passed 6/0/1 by a show of hands.

Commissioner Mercer pointed out that the only portion of this project that is being contested is the height, which is not why they are being asked to grant a Floor Area Exception. If the applicant had not been adding an extra bedroom but instead had been remodeling and building up, they would not be granting a Floor Area Exception and there would be no basis for anybody to consider a private view whatsoever. She felt there

were more positive features to the project than negative features: they are not proposing a second story in order to gain view for themselves, they are filling in the pool, they are not removing any Oaks, and they are replacing the blacktop driveway with permeable pavers. She agreed with staff that even with the additional square feet this home will be in the lower third in terms of floor area ratio for the neighborhood and that they are fortunate that it is not being subdivided. She encouraged the applicants to make the 1' concession and to consider using a roof tile that is more of a brown color that blends in with the rest of the hills rather than a red tone. With those two modifications she could make all the findings and approve the project.

Commissioner Mayer liked the project and felt that it succeeds in lessening the exception in a good way. The question of private views is a difficult question and felt that the difference in the two roof heights is relatively minor. He was disturbed by the fence because at places it looks like it is over 6' and if the owners had been really interested in the view they could have lowered that fence. He could make the findings.

Vice Chair Horton disclosed that a neighbor of hers referred Mrs. del Cardayré to her and they had had a conversation, mostly about code issues, but in particular about this house. She told the neighbor that there is an entitlement to build a 28' house in Belmont and this was well below that. She had no issue with the Floor Area Exception but had trouble with the fact that a private view is affected and that it is too close to another piece of property due to the Variance. She stated that she would be a proponent of putting up story poles to determine the exact height of the house because that clearly has not been defined between these two parties and there is a finding that she could not make.

Commissioner McKenzie echoed some of the earlier sentiments and liked what the applicant is doing with the project. He liked the reasons that the applicant gave for purchasing the property and for developing it the way they are. He had difficulty with the view obstruction issue between the owner and a neighbor; he felt that they are talking about degrees of an issue—slivers of view obstruction—and that 1' more or less is a very fine line to draw and not a significant issue. If the owner will follow through with a 1' reduction he felt that should satisfy the issue, adding that it is not as if they are obstructing the total view. He could make the findings and would approve the property.

Commissioner Reed stated that he could make Findings 9.6.3, 4.2.10, and A through H. Where he had a problem was Finding 4.2.10.D, which is that the addition will not affect the views or privacy of adjacent property, however he liked the fact that the neighbors had worked together and that a foot was offered. He felt that was reasonable considering that what they are proposing is 10' less than the 28' maximum height allowed and that it was a nice compromise on that one part of the Zoning Ordinance.

Vice Chair Horton pointed out for the record that all the applicant would have to do is to remove 763 sq.ft. of the media room and they could have whatever they want—a 28'-high 3500 sq.ft. house. CDD de Melo confirmed that if they got it down to 3499 sq.ft. and did not seek a Floor Area Exception, the finding associated with privacy and private views would not be applicable and then they would just be dealing with the public view loss, of which staff believes there is none.

Chair Parsons had looked at the site and liked the plan and style and could support the project with a reduction in height. Speaking from his own experience, he cautioned the applicant about the high energy bills resulting from high ceilings, and suggested that they give serious consideration to coming down a couple of feet. He suggested that a story pole would have been helpful in view of the controversy between the neighbors about the actual height, and suggested that staff consider that in future similar situations.

Staff confirmed for Commissioner Mercer that the roof will still be structurally sound if it is reduced by one foot.

MOTION: By Commissioner Reed, seconded by Commissioner Mayer, to adopt the Resolution approving a Floor Area Exception and Single-Family Design Review at 784 Miramar Terrace (Appl. No. 2008-0029) with the stipulated 1' reduction in roof height and that staff work with the applicant to insure that they pick a neutral clay tile as opposed to a bright red.

Ayes: Reed, Mayer, Mercer, McKenzie, Parsons
Noes: Horton
Absent: Frautschi

Motion passed 5/1/1

Chair Parsons announced that this item may be appealed to the City Council within 10 calendar days.

Chair Parsons called for a short break at 8:10 p.m.

6. STUDY SESSION

6A. Discussion of Belmont Zoning Code Section 9 – General Regulations

CDD deMelo summarized the staff memorandum, and thanked Commissioner Mercer for her written comments, which had been placed on the dais.

Discussion ensued, with CDD de Melo and CA Zafferano answering questions. The following are some concerns that were discussed:

- Commissioner Reed suggested that in the future it would be helpful to have more time to study this type of material.
- Commissioner McKenzie felt since this section of the code is a “catch all” it should be discussed after completion of the preceding code sections and the General Plan update.
- Regarding the section about detached garages, it needs to be clearer when it is referring to use and when it is referring to structure to determine if a CUP is needed.
- The definitions of setbacks and yards are not clear.
- The fact that two residential zoning districts are not included in 9.6.3
- How the revised General Plan will affect this section of the code.
- Section 9.9 needs to be rewritten so that a lay person can understand it.
- Questions about how different regulations affect private and public access streets and easements.
- The reference to “within 3 years of the effective date of this ordinance” in 9.6.6 presumably should be deleted.

CDD de Melo will make note of Commissioners’ comments so that they can be incorporated when staff is able to work on the update and perhaps include it in the next Priority Calendar.

7. REPORTS, STUDIES AND UPDATES

CDD de Melo reported as follows:

7. Motel 6 – 1101 Shoreway Road
No update related to code enforcement issues.

7B. NDNU (Koret) Athletic Field
No update other than that the Task Force should be getting back together by the end of the month when school is back in session.

7C. Charles Armstrong School – 1405 Solana Drive
There had been a great meeting earlier that evening with the Police Department and members of Neighborhoods First to start to reactivate discussions about the school and use of McDougal Park.

7D. Ralston/US-101 Landscape Project
City staff met with members of the Redwood City Public Works Department to talk about piggy backing Belmont’s changes on the encroachment permit that was issued from CalTrans. While they have the budget for installing all of the improvements to the four quadrants, they have moved this item to a lower priority status for the actual installation. Staff plans to ask the Belmont City Manager to talk to the Redwood City Manager to attempt to get it on a faster track.

7E. Potential Joint City Council Study Session – AT&T Light Speed Project – September 2008

It appears that this item will be a Study Session on the September 9th City Council agenda. Planning Commissioners are encouraged to attend and comment, but there will be a full Council agenda as they will not have a second meeting in August. The meeting is tentatively scheduled to start between 6:00 and 6:30 p.m.

7F. Emmett House

Work is continuing on the foundation. He believed there is an action item on the next City Council agenda relative to the architectural services for the building. He is aware that there still needs to be a meeting with Commissioner Horton, Chair Parson, Contract Planner Oust and Public Works Director Davis to round out the remaining issues.

Chair Parsons reminded CDD de Melo that several months ago he had reported that the rings on the trees on Waltermire and Emmett around the Safeway need to be removed as the trees are being cut by the rings. He suggested that Safeway be put on notice in writing before the trees are irreparably damaged.

Chair Parsons suggested that there needs to be some educating of business owners about tree cutting, in light of a tenant on Waltermire who was stopped in the act of cutting down a 50' Sycamore.

Commissioner Mercer reminded staff that a Sign Ordinance Task Force had been formed with no meetings to date. CA Zafferano responded that they will work on that and report back to her.

Vice Chair Horton stated that she will be on vacation and will not be present at the first meeting in September.

8. CITY COUNCIL MEETING OF TUESDAY, AUGUST 12, 2008

Liaison: Chair Parsons

Alternate Liaison: Commissioner Mayer

9. ADJOURNMENT:

The meeting was adjourned at 9:04 p.m. to a Regular Planning Commission Meeting on August 19, 2008, at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

CD's of Planning Commission Meetings are available in the
Community Development Department.

Please call (650) 595-7416 to schedule an appointment.